

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

6 | MARSHALL LOSKOT, et al.,

Plaintiff(s),

No. C 04-4988 PJH

v.

ORDER OF DISMISSAL

HYDE OUT, et al.,

Defendant(s).

A stipulation dismissing certain defendants having been filed and counsel for plaintiff, having advised the court in writing that the parties have agreed to a settlement of this cause, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty (60) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

The parties may substitute a dismissal **with** prejudice simply by submitting a stipulation and order for dismissal with prejudice within sixty (60) days.

The pretrial and trial dates are hereby VACATED.

SO ORDERED.

Dated: February 20, 2007

PJH

PHYLLIS J. HAMILTON
United States District Judge